REMARKS

Claims 1-8, 12-23 and 27-38 are pending in the application. Claims 1-8, 12-14, 16-23. 27-29 and 31-32 have been amended. Support for the amendments to the claims can be found in the applicant's specification at page 7, lines 7-24. Claims 9-11 and 24-26 have been cancelled. Claims 33-38 are newly submitted. The specification and the figures have been amended to correct informalities. No new matter has been added. Reconsideration is respectfully requested in view of the amendments to the claims and the following remarks.

Claims 1-13, 16-28 and 31-32 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,542,734 ("Abrol").

Claim 1, as amended, recites creating a packet through an application. The packet is a self-contained, independent entity of data including header information for routing the packet from a source to a destination, and the header information is associated with a layer in a multiple layer network protocol stack. Claim 1 further recites transmitting the packet, including the header information, from the application to a selected layer (of a network protocol stack) through an inner layer socket.

While Abrol discloses an application 260 that can create a socket which permits payload data to be sent between the application 260 and one of the protocol layers 202, 204, 206, 208, 210 and 212 (see Abrol FIG. 3; col. 5, l. 61-col. 6, l. 5). Abrol, nevertheless, fails to disclose transmitting a packet, including header information for routing the packet from a source to a destination, through an inner layer socket. Instead, Abrol discloses only sending "raw packetized data, such as raw IP packets, which lack destination information" from application 260 to an inner layer of a network protocol stack (col. 5, ll. 29-33).

In Abrol, it is the communication protocol stack 280 that encapsulates the raw packetized data – i.e., adds header information to the packet for transmission over a network (col. 5, ll. 53-60). Thus, application 260 of Abrol does not create a packet having header information as required by claim 1. The applicant respectfully submits that claim 1, as amended, is allowable over Abrol.

Claims 2-8, 12-13 and 33-34 depend from claim 1 and are allowable over Abrol for the reasons set forth with claim 1.

Claims 16, 31 and 32 include limitations similar to those of claim 1. Claim 16, 31 and 32, and the claims that depend therefrom, are allowable over Abrol for similar reasons as set forth above with claim 1.

Claims 14-15 and 29-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Abrol in view of U.S. Patent No. 6,138,143 ("Gigliotti").

Claims 14 and 15 incorporate the limitations of claim 1.

Claims 29-30 incorporate the limitations of claim 16.

Putting aside the issue of whether Gigliotti discloses the limitations of claim 14-15 and 29-30, it is clear that Gigliotti, as with Abrol, fails to disclose transmitting a packet including header information (for routing the packet from a source to a destination) through an inner layer socket as required by the claims.

The applicant respectfully submits that claims 14-15 and 29-30 are allowable over the combination of Abrol and Gigliotti.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 09-02-04

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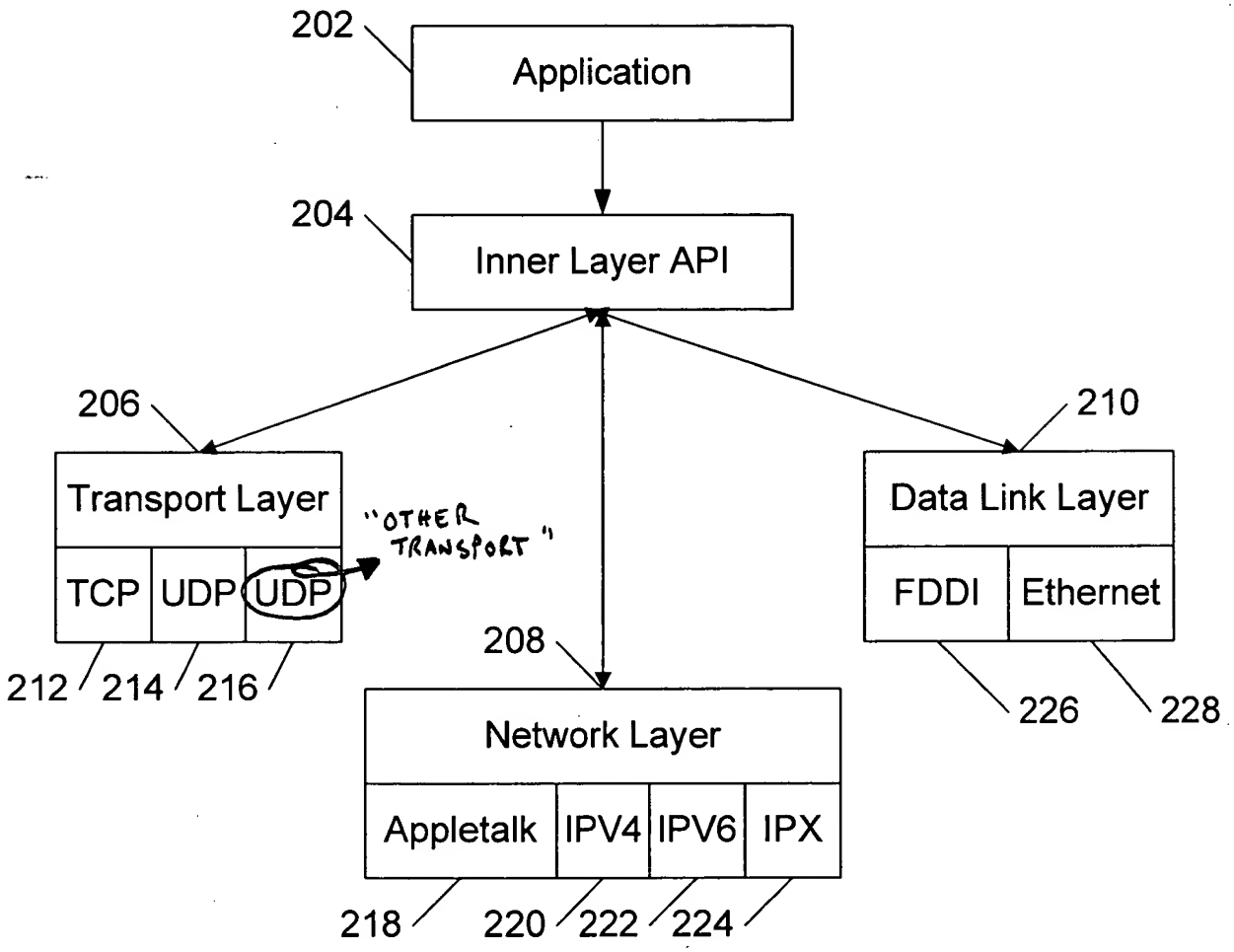

FIG. 2

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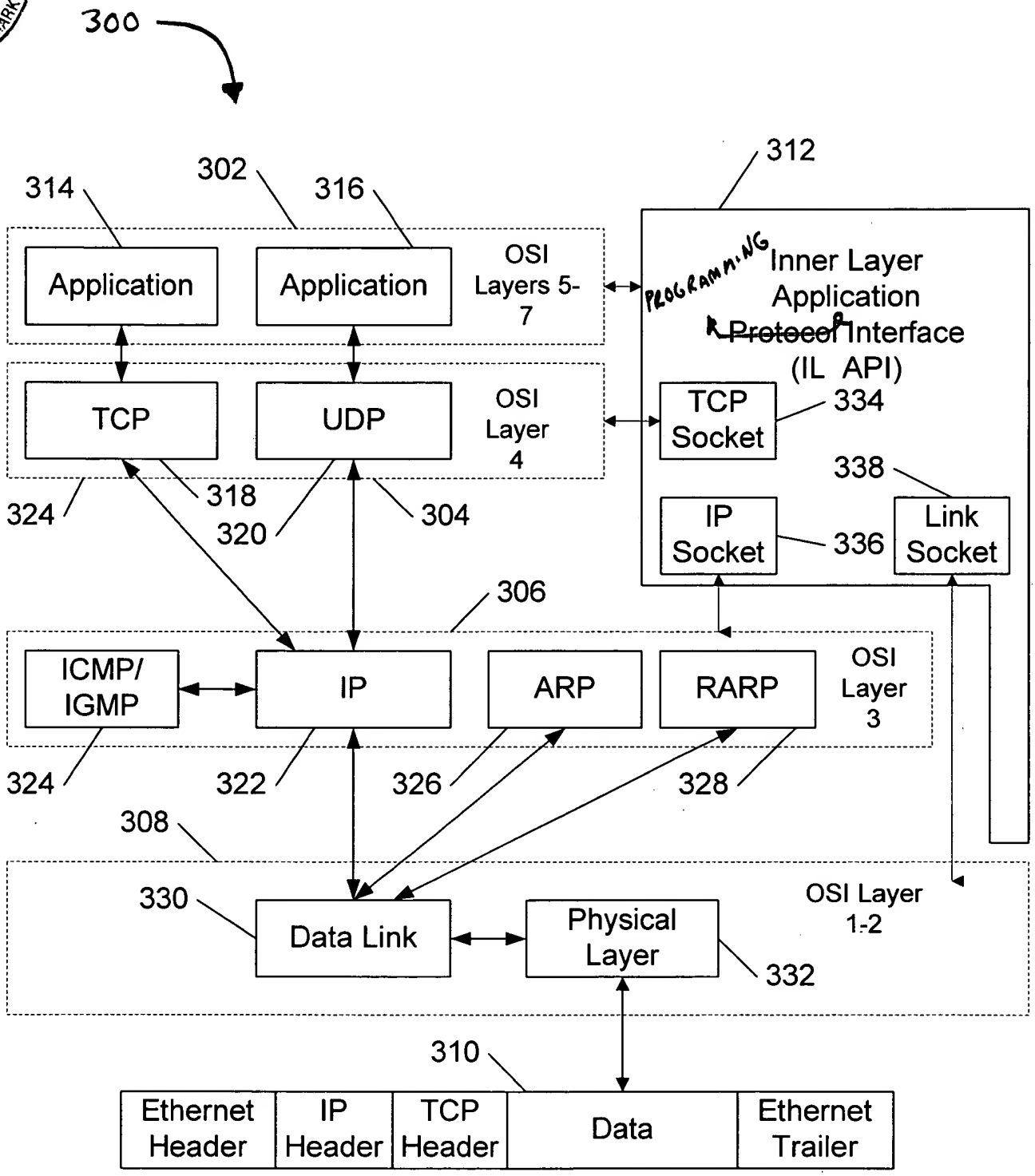

FIG. 3